



DEFENSE FINANCE AND ACCOUNTING SERVICE

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JUN 26 1996

DFAS-HQ/FMM

MEMORANDUM FOR DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE
- CLEVELAND CENTER
DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE
- DENVER CENTER
DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE
- INDIANAPOLIS CENTER
DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE
- KANSAS CITY CENTER

SUBJECT: Change to the Department of Defense Financial
Management Regulation, Volume 7A, (DoDFMR, Vol 7A),
on Forfeiture of Pay and Allowances During Certain
Court Martial Confinements, (DFAS Item F-29)

This is DFAS Interim Change Number 18-96 to the DoDFMR,
Vol 7A. This change is effective April 1, 1996.

We have evaluated your comments on the draft change to the
DoDFMR, Vol 7A. The attached final version of the change
includes your comments where appropriate. Assignment of an
interim change number is your authority to start a procedural
modification to facilitate this change. For the Denver Center,
use the attached to initiate the formal printed change to the
DoDFMR and the interim change.

Our point of contact, Lt Col Randy Wies, may be reached at
DSN 327-5068 or Commercial (703) 607-5068. Our FAX number is
DSN 332-5271 or Commercial (703) 602-5271.

Roger W. Soearce
Brigadier General, USA
Deputy Director for Finance

Attachment:
As stated

cc: DASD (MMP) (COMP)
ODGC (F)
DFAS-HQ/DG
DFAS-DE/DG
Service Liaisons
USCG/NOAA/PHS Liaisons

DFAS ITEM NUMBER F-29
DFAS INTERIM CHANGE NUMBER 18-96

Add a new paragraph:

70506.1. Forfeiture of Pay and Allowances During Certain Court Martial Confinements.

a. General Court Martial. Effective with general court martial sentences adjudged after March 31, 1996, a member who is sentenced to

- (1) death;
 - (2) confinement for more than six months; or
 - (3) confinement of any length and either a dishonorable discharge, a bad-conduct discharge, or a dismissal
- forfeits all pay and allowances while in confinement or in a parole status.

b. Special Court Martial. If the sentence is adjudged by special court martial, forfeitures under the same conditions as in subparagraph 70506.1a above apply, but are limited to two-thirds of all pay and allowances.

c. Payment to Dependents. The convening authority or a person acting under 10 U.S.C. §860 may waive any or all of the forfeitures automatically imposed in this paragraph for a period not to exceed 6 months in the case of a member who has dependents. In the event of such a waiver, and when directed by the person acting under 10 U.S.C. §860, pay the waived portion of the forfeiture to the dependents of the member. Payments made to dependents are considered normal military pay and allowances otherwise due the member, and are treated as payments made to the member for tax withholding and reporting purposes.

d. Effect of Disapproval, Set aside, or Reduction of Punishment. If the sentence of a member who forfeits pay and allowances pursuant to this paragraph is set aside or disapproved or, as finally approved, does not provide for a punishment listed in subparagraph a, above, pay the member the pay and allowances that the member would have been paid except for the forfeiture, for the period during which the forfeiture was in effect. The payment to the member should be reduced by the amount of any payments made to the member's dependents under subparagraph c, above.

Bibliography:

70506.1

10 U.S.C. §858b, as added
Public Law 104-106, Section 1121